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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,966	08/26/2003	Shigeru Hiroki	1232-5116	7073

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EXAMINER	
KHAN, USMAN A	
ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
01/28/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/649,966	HIROKI, SHIGERU	
	Examiner	Art Unit	
	Usman Khan	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed on 11/13/2007 with respect to claims 1 – 10, and 12 - 14 have been considered but are not persuasive.

Regarding **claims 1, 9, 10, and 12 – 14**, Applicant argues as Applicant explained in the previously submitted Amendment, the cited reference (i.e., Enright) fails to show or suggest the inventive aspect of the present invention as discussed above, e.g., converting time information of the image into text data and transmitting the converted text data as a part of an electronic mail.

However as discussed in the previous office action it is clear from column 36, lines 32 *et seq.* and figures 62 – 72 that the email also includes information about the nature of the triggering event and capture time. Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72; also figure 19 including time and date data.

Also, Applicant argues that Enright et al. fails to teach that the converted text data is separated from the image.

However, it is clear from column 36, lines 32 *et seq.*; figures 62 – 72, time data is separate from the image as seen; trigger/event type and capture time; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful

information of the occurrence of the machine from figures 62 - 72, time data is separate from the image as seen.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 10, and 12 - 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Enright et al. (US patent No. 6,583,813).

Regarding **claim 1,** Enright et al. discloses an image sensing apparatus comprising: setting means for setting a sensing condition for image sensing (figure 22; set up sequences); sense means for sensing an image in accordance with the sensing condition set by said setting means (figures 62 - 72; trigger/event type); converting means for converting time information of the image sensed at said sense means into text data (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 -

72); and transmitting means for transmitting, by electronic mail, the sensing condition and the text data converted at said converting means as a part of electronic mail text message when the image was sensed by said sense means (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event and capture time; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 – 72; also figure 19 including time and date data).

Wherein the converted text data is separated from the image (column 36, lines 32 *et seq.*; figures 62 – 72, time data is separate from the image as seen; trigger/event type and capture time; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72, time data is separate from the image as seen).

Regarding **claim 2,** Enright et al. discloses the apparatus according to claim 1, wherein said transmitting means transmits electronic mail having information indicating the sensing condition added to a message portion (figures 62 - 72; trigger/event type).

Regarding **claim 3,** Enright et al. discloses the apparatus according to claim 1, wherein said transmitting means transmits electronic mail having information indicating the sensing condition added to a subject portion (figures 62 - 72; trigger/event type).

Regarding **claim 4,** Enright et al. discloses the apparatus according to claim 1, wherein said transmitting means transmits the sensing condition together with the image sensed by said sense means (figures 61 - 72; trigger/event type).

Regarding **claim 5,** Enright et al. discloses the apparatus according to claim 1, wherein the sensing condition set by said setting means includes any one of a specific time (figure 72), a predetermined elapsed time (figure 56 and paragraph column 34 lines 19 *et seq.*), sensor detection by an external sensor (figures 62 - 72; trigger/event type), detection of a sound level higher than a predetermined level (column 39 lines 16 *et seq.*; sound detection from microphone detecting stress levels of the sound), and operation of a sensing button (column 40 lines 27 - 39;panic button).

Regarding **claim 6,** Enright et al. discloses the apparatus according to claim 1, wherein said transmitting means can transmit image stored in an external memory (figure 10 and column 28 lines 51 *et seq.*; image from image server, this image also including image data), and also transmits, when transmitting image stored in the external memory, information indicating that the transmitted image is an image that has been stored in the external memory (figure 10 and column 28 lines 51 *et seq.*; image from image server, this image also including image data).

Regarding **claim 7,** Enright et al. discloses the apparatus according to claim 1, wherein the time information includes a time at which the image was sensed by said sense means (figures 62 - 72; trigger/event type and capture time; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72).

Regarding **claim 8,** Enright et al. discloses the apparatus according to claim 1, further comprising transfer means for transferring the image sensed by said sense means to a server connected to a network (figure 10; image server, network), wherein said transmitting means transmits link address information for specifying the image transmitted to the server, together with the sensing condition (figures 62 - 72; image name which can be used as a link for the image and the trigger/event type included in the transfer of the image).

Regarding **claim 9,** Enright et al. discloses an image sensing apparatus comprising: setting means for setting a sensing condition for image sensing (figure 22; set up sequences); sense means for sensing an image in accordance with the sensing condition set by said setting means (figures 62 - 72; trigger/event type); converting means for converting time information of the image sensed at said sense means into text data (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time; Also it is inherent that the email will include time text data with the sensing

condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72); and transmitting means for transmitting, by electronic mail, the sensing condition and the text data converted at said converting means as a part of electronic mail text message indicating a time at which the image was sensed by said sense means (column 36, lines 32 *et seq.*; emails includes information about the nature of the triggering event and capture time; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 – 72; also figure 19 including time and date data).

Wherein the converted text data is separated from the image (column 36, lines 32 *et seq.*; figures 62 – 72, time data is separate from the image as seen; trigger/event type and capture time; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72, time data is separate from the image as seen).

Regarding **claim 10,** Enright et al. discloses an image sensing apparatus comprising: setting means for setting a sensing condition for image sensing (figure 22; set up sequences); sense means for sensing an image in accordance with the sensing condition set by said setting means (figures 62 - 72; trigger/event type); converting means for converting time information of the image sensed at said sense means into

text data (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time); and electronic mail creating means for creating to which the sensing condition under which the image was sensed by said sense means and the text data converted at said converting means as a part of electronic mail text message are added (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event also as seen in figure 68 the capture time is included in the transfer; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72; also figure 19 including time and date data).

Wherein the converted text data is separated from the image (column 36, lines 32 *et seq.*; figures 62 – 72, time data is separate from the image as seen; trigger/event type and capture time; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72, time data is separate from the image as seen).

Regarding **claim 12,** Enright et al. discloses a control method for an image sensing apparatus comprising: a storing step of storing a sensing condition for image sensing (figure 61; filter conditions/alarms); a sensing step of sensing an image in accordance with the sensing condition stored in the storing step (figures 62 - 72; trigger/event type it is inherent that this trigger/event will be recognized in accordance to

a predetermined input such as the sensing condition stored); converting step for converting time information of the image sensed at said sensing step into text data (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72); and a transmitting step of transmitting, by electronic mail, the sensing condition and the text data converted at said converting step as a part of electronic mail text message when the image was sensed was sensed in the sensing step (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72; also figure 19 including time and date data).

Wherein the converted text data is separated from the image (column 36, lines 32 *et seq.*; figures 62 – 72, time data is separate from the image as seen; trigger/event type and capture time; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72, time data is separate from the image as seen).

Regarding **claim 13,** Enright et al. discloses a control method for an image sensing apparatus comprising: a storing step of storing a sensing condition for image sensing (figure 61; filter conditions/alarms); a sensing step of sensing an image in accordance with the sensing condition stored in the storing step (figures 62 - 72; trigger/event type it is inherent that this trigger/event will be recognized in accordance to a predetermined input such as the sensing condition stored); converting step for converting time information of the image sensed at said sensing step into text data (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72); and a transmitting step of transmitting, by electronic mail, the text data converted at said converting step as a part of electronic mail text message indicating a time at which the image was sensed in the sensing step (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72; also figure 19 including time and date data).

Wherein the converted text data is separated from the image (column 36, lines 32 *et seq.*; figures 62 – 72, time data is separate from the image as seen; trigger/event type and capture time; Also it is inherent that the email will include time text data with

the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72, time data is separate from the image as seen).

Regarding **claim 14,** Enright et al. discloses a control method for an image sensing apparatus comprising: a storing step of storing a sensing condition for image sensing (figure 61; filter conditions/alarms); a sensing step of sensing an image in accordance with the sensing condition stored in the storing step (figures 62 - 72; trigger/event type it is inherent that this trigger/event will be recognized in accordance to a predetermined input such as the sensing condition stored); converting step for converting time information of the image sensed at said sensing step into text data (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72); and an electronic mail creating step of creating electronic mail to which the sensing condition when the image was sensed in the sensing step and the text data converted at said converting step as a part of electronic mail text message are added (column 34 lines 8 – 18; column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event also as seen in figure 68 the capture time is included in the transfer; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email

receives useful information of the occurrence of the machine from figures 62 - 72; also figure 19 including time and date data).

Wherein the converted text data is separated from the image (column 36, lines 32 *et seq.*; figures 62 – 72, time data is separate from the image as seen; trigger/event type and capture time; Also it is inherent that the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72, time data is separate from the image as seen).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Usman Khan
01/14/2008
Patent Examiner
Art Unit 2622

DAVID OMETZ
SUPERVISORY PATENT EXAMINER